

Application No.: 09/720,647

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Docket No.: 04040/000L566-US0

**REMARKS**

In response to the **second** Notice of Non-compliant Amendment dated March 3, 2005, submitted herewith is a listing of the claims that contains the correct "status identifier" preceding each claim.

In the second Notice, Applicants were informed that "new" claim 26 contained a one letter strike out in the word "interactions" at the end of the phrase "an molecular interactions." The Notice indicates that this is construed as a proposed Amendment, and therefore, non-compliant with the rules.

Applicants disagree that a new claim can be construed as containing a proposed amendment. In addition, Applicants understand the guidelines in the MPEP regarding claim format, and recognize that the error was the fault of the Applicants. However, Applicants further note that, according to **MPEP 714.03(c)**,

An Examiner **may** treat an amendment not fully responsive to a non-final Office action by

- A. **accepting the amendment** as an adequate reply to the non-final Office action to avoid abandonment under 35 U.S.C. 133 and 27 CFR 1.13;
- B. notifying the applicant that the reply must be completed within the remaining period for reply to the non-final Office action...

The MPEP further indicates that the treatment to be given to the amendment depends upon "the nature of the deficiency" and continues by saying that

"where an amendment substantially responds to the rejections, objections, requirements in a non-final Office action (and is a *bona fide* attempt to advance the application to final action) but contains a minor deficiency (e.g. fails to treat every rejection, objection, or requirement), the examiner **may simply act on the amendment** and issue a new (non-final or final) Office action. The new Office action

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may simply reiterate the rejection, objection or requirement not addressed by the amendment...This course of action would not be inappropriate in instances in which an amendment contains a serious deficiency..." (emphasis supplied)

It is emphatically submitted that the supplemental amendments submitted in October and December 2004 were *bona fide* attempts to advance the application, and the deficiencies were of the minor nature indicated by the MPEP that could have been acted on by the Examiner and merely pointed out to the Applicants sooner than three and six months post-submission.

However, to respond to the Notice, submitted herewith is a new listing of the claims.

According to the Notice, only the "Amendments to the Claims" section is required to be submitted. Accordingly, please consider the remarks submitted with the October 15, 2004 Amendment.

{W:\04040\000L566US0\00379857.DOC (EXAMINER'S RESPONSE) }

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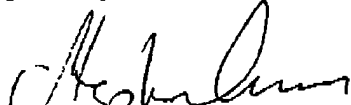
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This application is now believed to be in condition for allowance and such action is earnestly solicited.

Dated: March 9, 2004

Respectfully submitted,

By 

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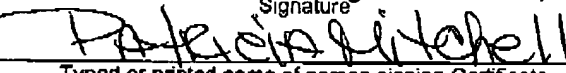
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Third Supplemental Amendment (11 pages)

Third Supplemental Amendment Transmittal (1 page)

PTO Fax Transmission Cover Sheet (1 page)